



The Boeing Company

FAX Cover Sheet

395565

Date:	July 3, 2001	Pages:	13
To:	Ms. Carlyn Winter Prisk	From:	Alan Culwell
Location:	EPA Region 3	Location:	Bellevue, Washington
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Mail Code:		Mail Code:	7A-WW
Subject:	Lower Darby Creek Area Information Request		

A copy of The Boeing Company's response, including attachments, is being shipped by Airborne Express. It should arrive Thursday, July 5. We intended and attempted to send it yesterday, but it did not happen. Please call me if there is any problem with the fax transmission, or if you do not receive the package by the end of Thursday.

The Boeing Company
P.O. Box 3707
Seattle, WA 98124-2207

July 2, 2001

Ms. Carlyn Winter Prisk (3HS11)
USEPA, Region III
1650 Arch Street
Philadelphia, PA 19103-2029



Re: Lower Darby Creek Area Site – *Clearview Landfill, Folcroft Landfill, and Folcroft Landfill Annex, Darby Township, PA*
CERCLA 104(e) Request for Information

Dear Ms. Prisk,

This constitutes the response of The Boeing Company to EPA's request for information, dated May 18th 2001, concerning the Lower Darby Creek Area Site – Clearview Landfill, Folcroft Landfill and Folcroft Landfill Annex in Darby Township, Pennsylvania ("Site"). Please direct all further correspondence or inquiries regarding this matter to the following address:

Taralyn Trimpey
The Boeing Company
P.O. Box 516 MC S100-3340
St. Louis, MO 63166-0516

Note that the information provided for all questions is responsive as it pertains to the Site and thereby within the scope of the EPA's information request authority provided in Section 104(e) of CERCLA, and as noted specifically in the responses provided in the enclosed memorandum.

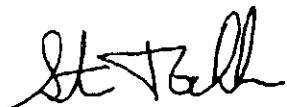
These responses are made under compulsion of the above-referenced Request for Information, and are not to be construed as admissions of fact or concessions of law by The Boeing Company, or any of its officers, agents, or employees. Without limiting the generality of the foregoing, we specifically do not concede by these responses that The Boeing Company sent any materials to the Clearview Landfill, the Folcroft Landfill, or the Folcroft Landfill Annex, or that any materials involved constitute hazardous waste or hazardous substances, that there has been a release or a threatened release of any such substances from the site, or that any such substances have caused, are causing or will cause any threat to public health or the environment, an imminent hazard, or the incurrence of necessary response costs.

07/02/01

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Please feel free to contact Tara Trimpey at (314) 232-3269 if you have any questions or comments.

Sincerely,

**BOEING**

8002 Kirk Thomson
Director, Environmental Affairs

Enclosure

Cc: Tara Trimpey
Allen Kramer
Jim King
Alan Culwell

The Boeing Company's Response to EPA's CERCLA 104(e) Request for Information Regarding
the Lower Darby Creek Area Site

GENERAL OBJECTIONS

The Boeing Company ("Boeing") generally objects to the over-broad, unreasonable, and unduly burdensome nature of the questions included in the May 18, 2001 request for information by the United States Environmental Protection Agency ("EPA"). Boeing objects to the broad scope of information sought, insofar as the questions fail to limit the scope of inquiry to information relevant to the Lower Darby Creek Area Site – Clearview Landfill, Folcroft Landfill, Folcroft Landfill Annex ("Site"). Boeing further objects to the broad scope of the information request insofar as it does not reasonably relate to: (i) the identification, nature, or quantity of materials which have been generated, treated, stored, disposed of at, or transported to the Site; (ii) the nature or extent of a release or threatened release of hazardous substances, pollutants or contaminants from the Site; or (iii) the ability to pay for or perform a cleanup. These deficiencies render the requests in excess of EPA's authority under CERCLA §104(e) regarding a hazardous waste disposal site. Boeing further objects to the information request as unreasonable and unduly burdensome in light of the fact that there is no indication from records or interviews that any Boeing-generated hazardous substances have been disposed of at the Site.

The objections set forth above are continuing in nature and, to the extent applicable, shall be deemed included in every answer below, whether or not specifically set forth.

QUESTIONS

1. State the name of your company, its mailing address, and telephone number.

Response: The Boeing Company, P.O. Box 3707, Seattle, Washington 98124-2207, (206) 655-2121.

Further identify:

- a. The dates and states of incorporation of your company;

Response: The Boeing Company was incorporated in the State of Delaware on July 15, 1916 (as the Pacific Aero Products Company).

- b. The date and original state of incorporation of your company, and

Response: See Response to Question No. 1a.

- c. The parent corporation of your company, if any, and all subsidiaries or other affiliated entities.

Response: See the Attachment 1, Form 10-K for the fiscal year ended December 31, 2000.

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2. What is the current nature of the business or activity conducted at your establishment(s) in the Philadelphia, Pennsylvania area? What was the nature of your business or activity between 1958 and 1976? Please describe in detail. If the nature of your business or activity changed from the period of 1958 to 1976 to the present, please provide a detailed explanation of the changes to date.

Response: Boeing objects to Question No. 2 as over-broad, unduly burdensome and exceeding EPA's authority for purposes of a hazardous waste disposal site information request. The scope of inquiry is not limited to the Site or to the disposal or potential disposal of hazardous substances at the Site. Boeing further objects to Question No. 2 as unreasonable and unduly burdensome in light of the fact that there is no indication from records or interviews that any Boeing-generated hazardous substances have been disposed of at the Site. Without waiver of these objections, The Boeing Company, Aircraft and Missiles System Group, Rotorcraft Program Management Center in Philadelphia manufactures parts for and assembles helicopters, manufactures parts for other aircraft, renovates helicopters, and flight tests helicopters. The nature of the business has remained relatively constant since the company first began operating in the area in 1960. Additionally, in the 1970's the facility produced rapid-transit railcars.

3. Identify all persons currently or formerly employed by your establishment(s) who have or may have personal knowledge of your operations and waste disposal practices between 1958 and 1976 at your facilities in the Philadelphia, Pennsylvania area. For each such person, state that person's employer, job title, dates of employment, current address, and telephone number. If the current telephone number or address is not available, provide the last known telephone number or last known address of such person.

Response: Boeing objects to Question No. 3 as over-broad, unduly burdensome and exceeding EPA's authority for purposes of a hazardous waste disposal site information request. The scope in inquiry is not limited to the Site, or to the disposal or potential disposal of hazardous substances at the Site. Boeing further objects to Question No. 3 as unreasonable and unduly burdensome in light of the fact that there is no indication from records or interviews that any Boeing-generated hazardous substances have been disposed of at the Site. Without waiver of these objections, The Boeing Company employed thousands of persons at its facilities in the Philadelphia area during the years in question who may have knowledge of its operations. A reasonable but unsuccessful attempt was made to identify employees with knowledge of waste disposal practices prior to 1976.

4. Identify the owners and operators of your establishment(s) in the Philadelphia, Pennsylvania area from 1958 to the present.

Response: Boeing objects to Question No. 4 as vague, over-broad, unduly burdensome and exceeding EPA's authority for purposes of a hazardous waste disposal site information request. The scope of inquiry is not limited to the Site or to the disposal or potential disposal of hazardous substances at that site. Boeing further objects to

The Boeing Company's Response to EPA's CERCLA 104(e) Request for Information Regarding the Lower Darby Creek Area Site

Question No. 4 as unreasonable and unduly burdensome in light of the fact that there is no indication from records or interviews that any Boeing-generated hazardous substances have been disposed of at the Site. Without waiver of the above objections, The Boeing Company purchased the Vertol Aircraft Corporation in 1960.

For each owner and operator further provide:

- a. The dates of their operation;

Response: See the general response to Question No. 4, above.

- b. The nature of their operation; and

Response: See Response to Question No. 2, above.

- c. All information or documents relating to the handling and/or generation, storage, treatment, recycling, formulation, disposal, or transportation of any hazardous substance, hazardous waste, pollutant, contaminant, or other waste during the period in which they were operating the establishment(s).

Response: Boeing objects to Question No. 4c as vague, over-broad, unduly burdensome and exceeding EPA's authority for purposes of a hazardous waste disposal site information request. The scope of inquiry is not limited to the Site or to the disposal or potential disposal of hazardous substances at the Site. Boeing further objects to Question No. 4c as unreasonable and unduly burdensome in light of the fact that there is no indication from records or interviews that any Boeing-generated hazardous substances have been disposed of at the Site. Without waiver of the above objections, Boeing states that it found no relevant information or documents relating to any hazardous substance, hazardous waste, pollutant, contaminant, or other waste being transported to the Site.

5. Describe the types of documents generated or maintained by your establishment(s) in the Philadelphia, Pennsylvania area concerning the handling and/or generation, storage, treatment, transportation, recycling, formulation, or disposal of any hazardous substance, hazardous waste, pollutant, contaminant or other waste between 1958 and 1976.

Response: Boeing objects to Question No. 5 as over-broad, unduly burdensome and exceeding EPA's authority for purposes of a hazardous waste disposal site information request. The scope of inquiry is not limited to the Site or to the disposal or potential disposal of hazardous substances at the Site. Boeing further objects to Question No. 5 as unreasonable and unduly burdensome in light of the fact that there is no indication from records or interviews that any Boeing-generated hazardous substances have been disposed of at the Site.

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- a. Provide a description of the information included in each type of document and identify the person who was/is the custodian of the documents;
 - b. Describe any permits or permit applications and any correspondence between your company and/or establishment(s), and any regulatory agencies regarding the transportation and disposal of such wastes; and
 - c. Describe any contracts or correspondence between your company and/or establishment(s) and any other company or entity regarding the transportation and disposal of such wastes.
6. Identify every hazardous substance used, generated, purchased, stored, or otherwise handled at your establishment(s) in the Philadelphia, Pennsylvania area between 1958 and 1976. Provide chemical analyses and Material Safety Data Sheets ("MSDS"). With respect to each such hazardous substance, further identify:

Response: Boeing objects to Question No. 6 as over-broad, unduly burdensome and exceeding EPA's authority for purposes of a hazardous waste disposal site information request. The scope of inquiry is not limited to the Site or to the disposal or potential disposal of hazardous substances at the Site. Boeing further objects to Question No. 6 as unreasonable and unduly burdensome in light of the fact that there is no indication from records or interviews that any Boeing-generated hazardous substances have been disposed of at the Site.

- a. The process(es) in which each hazardous substance was used, generated, purchased, stored, or otherwise handled;
- b. The chemical composition, characteristics, and physical state (solid, liquid, or gas) of each such hazardous substance;
- c. The annual quantity of each such hazardous substance used, generated, purchased, stored, or otherwise handled;
- d. The beginning and ending dates of the period(s) during which such hazardous substance was used, generated, purchased, stored, or otherwise handled,
- e. The types and sizes of containers in which these substances were transported and stored, and
- f. The persons or companies that supplied each such hazardous substance to your company.

The Boeing Company's Response to EPA's CERCLA 104(e) Request for Information Regarding the Lower Darby Creek Area Site

7. Identify all by-products and wastes generated, stored, transported, treated, disposed of, released, or otherwise handled by your establishment(s) in the Philadelphia, Pennsylvania area between 1958 and 1976. With respect to each such by-product and waste identified, further provide:

Response: Boeing objects to Question No. 7 as over-broad, unduly burdensome and exceeding EPA's authority for purposes of a hazardous waste disposal site information request. The scope of inquiry is not limited to the Site or to the disposal or potential disposal of hazardous substances at the Site. Boeing further objects to Question No. 7 as unreasonable and unduly burdensome in light of the fact that there is no indication from records or interviews that any Boeing-generated hazardous substances have been disposed of at the Site.

- a. The process(es) in which each such by-product and waste was generated, stored, transported, treated, disposed of, released, or otherwise handled;
 - b. The chemical composition, characteristics, and physical state (solid, liquid, or gas) of each such by-product or waste;
 - c. The annual quantities of each such by-product and waste generated, stored, transported, treated, disposed of, released, or otherwise handled;
 - d. The types, sizes, and numbers of containers used to treat, store, or dispose of each such by-product or waste;
 - e. The name of the individual(s) and/or company(ies) that disposed of or treated each such by-product or waste; and
 - f. The location and method of treatment and/or disposal of each such by-product or waste.
8. Did your company ever contract with, or make arrangements with Clearview, Folcroft, Folcroft Annex, Eastern Industrial, Tri-County Hauling, S. Buckly Trash Hauling, Barratt Rupurt, McCloskey Engineering, and/or any other company or municipality to remove or transport material from your establishment(s) in the Philadelphia, Pennsylvania area between 1958 and 1976 for disposal? If so, for each transaction identified above, please identify:

Response: Boeing objects to Question No. 8 as over-broad, unduly burdensome and exceeding EPA's authority for purposes of a hazardous waste disposal site information request. The scope of inquiry is not limited to the Site or to the disposal or potential

The Boeing Company's Response to EPA's CERCLA 104(e) Request for Information Regarding the Lower Darby Creek Area Site

disposal of hazardous substances at the Site. Boeing further objects to Question No. 8 as unreasonable and unduly burdensome in light of the fact that there is no indication from records or interviews that any Boeing-generated hazardous substances have been disposed of at the Site. Without waiving the above objections, Boeing states that it has contracted or made arrangements with an entity identified above.

- a. The person with whom you made such a contract or arrangement;

Response: Boeing restates and continues without waiver the objections stated in the general response to Question No. 8, above. Without waiver of those objections, Boeing states that the "person" is Eastern Industrial.

- b. The date(s) on which or time period during which such material was removed or transported for disposal;

Response: Boeing restates and continues without waiver the objections stated in the general response to Question No. 8 above. Without waiver of those objections, Boeing states that the date(s) on which or time period during which any materials were removed by Eastern Industrial are unknown. However, two purchase order reference numbers were identified for Eastern Industrial during the relevant time period. The effective period of Purchase Order #FYA496512 was September 1, 1975 through August 31, 1976. Purchase Order #FYA531618 covered a subsequent period of time; However, Boeing is unable to identify a specific time period for the latter Purchase Order. Attachment 2 to this response (July 11, 1977 letter from EPA and August 19, 1977 response from Boeing Vertol) references the above-identified purchase orders for Eastern Industrial.

- c. The nature of such material, including the chemical content, characteristics, and physical state (i.e., liquid, solid, or gas);

Response: Boeing restates and continues without waiver the objections stated in the general response to Question No. 8 above. Without waiver of those objections, Boeing states that the Purchase Orders were stated to be for the removal of trash and waste. See Attachment 2.

- d. The annual quantity (number of loads, gallons, drums) of such material;

Response: Boeing restates and continues without waiver the objections stated in the general response to Question No. 8 above. Without waiver of those objections, Boeing states that there is no indication from records or interviews the annual quantities of such material during the period in question other than that which is provided in Attachment 2.

- e. The manner in which such material was containerized for shipment or disposal;

Response: Boeing restates and continues without waiver the objections stated in the general response to Question No. 8 above. Without waiver of those objections, Boeing

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states that there is no indication from records or interviews regarding the manner in which such material was containerized for shipment or disposal.

- f. The location to which such material was transported for disposal;

Response: Boeing restates and continues without waiver the objections stated in the general response to Question No. 8 above. Without waiver of those objections, Boeing states that the documents provided in Attachment 2 identify transportation of some waste treatment plant sludge to Knickerbacker Landfill in Malvern Pennsylvania. Otherwise, Boeing states that there is no indication from records or interviews regarding the location to which any material was transported nor that material was transported to the Site.

- g. The person(s) who selected the location to which such material was transported for disposal;

Response: Boeing restates and continues without waiver the objections stated in the general response to Question No. 8 above. Without waiver of those objections, Boeing states that there is no indication from records or interviews regarding the person(s) who selected the location to which any material was transported.

- h. The individuals employed with any transporter identified (including truck drivers, dispatchers, managers, etc.) with whom your establishment dealt concerning removal or transportation of such material; and

Response: Boeing restates and continues without waiver the objections stated in the general response to Question No. 8 above. Without waiver of those objections, Boeing states that there is no indication from records or interviews regarding the employees of Eastern Industrial.

- i. Any billing information and documents (invoices, trip tickets, manifests, etc.) in your possession regarding arrangements made to remove or transport such material.

Response: Boeing restates and continues without waiver the objections stated in the general response to Question No. 8 above. Without waiver of those objections, Boeing states that other than the information provided in Attachment 2, it was unable to identify any such documents for the relevant time period. See also the response to Question 16, below.

9. Provide the names, titles, areas of responsibility, addresses, and telephone numbers of all persons who, between 1958 and 1976, may have:

- a. Disposed of or treated materials at Clearview, Folcroft and Folcroft Annex or other areas of the Site;

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Response: There is no indication from records or interviews that any such persons exist.

- b. Arranged for the disposal or treatment of materials at Clearview, Folcroft and Folcroft Annex or other areas of the Site; and/or

Response: There is no indication from records or interviews that any such persons exist.

- c. Arranged for the transportation of materials to Clearview, Folcroft and Folcroft Annex or other areas of the Site (either directly or through transshipment points) for disposal or treatment.

Response: There is no indication from records or interviews that any such persons exist.

10. For every instance in which your establishment(s) disposed of or treated material at Clearview, Folcroft and Folcroft Annex or other areas of the Site, or arranged for the disposal or treatment of material at the Site, identify:

Response: There is no indication from records or interviews that any disposal or treatment of material at the Site occurred. A September 12, 1969 Pennsylvania Department of Environmental Resources hydrogeologic inspection report provided to Boeing by EPA identifies several entities, including Boeing Vertol, as providing solid waste to the Folcroft Landfill and Annex. However, no further information, including the basis for this assertion, is provided in the report or was located during this investigation.

- a. The date(s) on which such material was disposed of or treated at the Site;

Response: Not Applicable

- b. The nature of such material, including the chemical content, characteristics, and physical state (i.e., liquid, solid, or gas);

Response: Not Applicable

- c. The annual quantity (number of loads, gallons, drums) of such material;

Response: Not Applicable

- d. The specific location on the Site where such material was disposed of or treated; and

Response: Not Applicable

- e. Any billing information and documents (invoices, trip tickets, manifests, etc.) in your company's or establishment's(s') possession regarding arrangements made to dispose of or treat such material at the Site.

The Boeing Company's Response to EPA's CERCLA 104(e) Request for Information Regarding the Lower Darby Creek Area Site

Response: Not Applicable

11. Did your establishment(s), or any other company or individual ever spill or cause a release of any chemicals, hazardous substances, and/or hazardous waste, and/or non hazardous solid waste on any portion of Clearview, Folcroft and Folcroft Annex or any other portion of the Site? If so, identify the following:

Response: There is no information from records or interviews regarding any spills or releases on the Site.

- a. The date(s) the spill(s)/release(s) occurred;

Response: Not Applicable

- b. The composition (i.e., chemical analysis) of the materials which were spilled/released;

Response: Not Applicable

- c. The response made by you or on your behalf with respect to the spill(s)/release(s); and

Response: Not Applicable

- d. The packaging, transportation, and final disposition of the materials which were spilled/released.

Response: Not Applicable

12. Please identify individuals employed by your establishment(s) who were responsible for arranging for the removal and disposal of wastes, and individuals who were responsible for payments, payment approvals, and record keeping concerning such waste removal transactions at your Philadelphia, Pennsylvania area establishment(s) between 1958 and 1976. Provide current or last known addresses and telephone numbers where they may be reached. If these individuals are the same persons identified by your answer to question 3, so indicate.

Response: Boeing objects to Question No. 12 as over-broad, unduly burdensome and exceeding EPA's authority for purposes of a hazardous waste disposal site information request. The scope of inquiry is not limited to the Site or to the disposal or potential disposal of hazardous substances at the Site. Boeing further objects to Question No. 12 as unreasonable and unduly burdensome in light of the fact that there is no indication from records or interviews that any Boeing-generated hazardous substances have been disposed of at the Site. Without waiving the above objections, Boeing states that relevant to the documents attached to this response, there are persons identified in the documents, but none of these persons are still employed by The Boeing Company, and

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there is no other indication from documents or interviews that the persons identified were responsible for the activities identified above.

13. Did you or any person or entity on your behalf ever conduct any environmental assessments or investigations relating to contamination at Clearview, Folcroft and Folcroft Annex or any other areas of the Site? If so, please provide all documents pertaining to such assessments or investigations.

Response: There is no indication from records or interviews that any such assessments or investigations were performed by Boeing or other entity on Boeing's behalf.

14. If you have any information about other parties who may have information which may assist the EPA in its investigation of the Site, including Clearview, Folcroft and Folcroft Annex, or who may be responsible for the generation of, transportation to, or release of contamination at the Site, please provide such information. The information you provide in response to this request should include the party's name, address, telephone number, type of business, and the reasons why you believe the party may have contributed to the contamination at the Site or may have information regarding the Site.

Response: There is no indication from records or interviews of any such information.

15. Representative of your establishment(s):

- a. Identify the person(s) answering these questions on behalf of your establishment(s), including full name, mailing address, business telephone number, and relationship to the company.

Response: Kirk Thomson, Director of Environmental Affairs, The Boeing Company, P.O. Box 3707, Mail Code 7A-XE, Seattle, Washington 98124, (425) 865-6709.

- b. Provide the name, title, current address, and telephone number of the individual representing your establishment(s) to whom future correspondence or telephone calls should be directed.

Response: Taralyn Trimpey, Counsel, The Boeing Company, P.O. Box 516, Mail Code S100-3340, St. Louis, Missouri 63166-0516, (314)232-3269.

16. If any of the documents solicited in this information request are no longer available, please indicate the reason why they are no longer available. If the records were destroyed, provide us with the following:

Response: Boeing is not aware of any records which would have indicated that waste from Boeing's Philadelphia facilities was ever transported to the Site. After reasonable inquiry, Boeing has not been able to locate the original two purchase orders referenced

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in Response No. 8 and believe they have been destroyed. Although purchase orders and financial records have historically been archived on microfilm and placed in permanent storage with a records management company, it is Boeing's understanding that the current records management company utilized by Boeing does not have a means to identify Boeing- archived materials based on time period, purchase order or other relevant identifying information. Therefore, Boeing is not able to determine whether microfilmed copies of the referenced purchase orders exist or were archived. There is no indication from records or interviews that any other specific documents were created and/or destroyed relating to the Site.

- a. Your document retention policy;

Response: A copy of the relevant portions of the current document retention policy is attached.

- b. A description of how the records were/are destroyed (burned, archived, trashed, etc.) and the approximate date of destruction;

Response: See information provided in response to Questions 16 and 16a, above.

- c. A description of the type of information that would have been contained in the documents; and

Response: See information provided in response to Questions 16 and 16a, above.

- d. The name, job title, and most current address known to you of the person(s) who would have produced these documents; the person(s) who would have been responsible for the retention of these documents; and the person(s) who would have been responsible for the destruction of these documents.

Response: See information provided in response to Questions 16 and 16a, above.